

**Amendments to the Drawings:**

The attached sheet of drawings includes new FIG. 7. This sheet, which includes FIGS. 4A - 7, replaces the original sheet including FIGS. 4A - 6. The new FIG. 7 complies with the Examiner's request to show the written indicia of claim 7 and the logo of claim 8.

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 18 are pending in the application. Currently, no claim has been allowed.

By the present amendment, claims 1, 6, 10, 14, and 18 have been amended.

In the office action mailed May 10, 2005, the Examiner objected to the drawings as not showing every feature of the claimed invention. The Examiner required Applicant to show the written indicia of claim 7 and the logo of claim 8. By the present amendment, a new sheet of drawings containing a new FIG. 7 is attached hereto in response to the Examiner's objection. It is submitted that the new sheet of drawings does not contain any new matter. The Examiner is hereby requested to approve the new sheet of drawings.

Amendments have been made to pages 3 and 4 of the specification to add references to new FIG. 7. It is submitted that these amendments do not contain any new matter.

Further in said office action, 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by the Maged reference of record; claims 1 - 4, 6, 9 - 12, 14 - 16, and 18 under 35 U.S.C. 102(b) as being anticipated by the Micchia et al. reference of record; claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micchia et al.; and claims 5, 13, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micchia et al. in view of U.S. Patent No. 4,951,658 to Morgan et al.

The foregoing rejections are traversed by the instant response.

The Examiner is thanked for the courtesy of conducting an interview with the undersigned attorney on July 21, 2005. During the interview, an exhibit was shown to the Examiner which demonstrated the thickness of the prior art devices and why these devices could not interfere with an individual's ability to look in a specific direction at a sporting object being controlled by an individual. Most notably, neither Maged's or Micchia et al.'s devices are capable of inherently interfering with an individual's ability to look at a sports' object while they are trying to control it. It was also pointed out to the Examiner that neither Maged's nor Micchia et al.'s device is intended to carry out the function that Applicant's device carries out. Further, during the interview, proposed amendments were discussed. While no agreement was reached, the interview was helpful in terms of providing guidance to Applicant on the remaining issues.

By the present amendment, claims 1, 10, and 18 have been amended to specify that the thickness is at least one quarter inch. Support for this amendment can be found in paragraph 0022. Such a thickness will direct an individual's field of vision up and toward the field of play and players thereon and will restrict an individual's field of vision of a sports object being controlled by the individual. It is submitted that neither Maged nor Micchia et al. teach or suggest such a thickness. This is because the devices shown in Maged or Micchia et al. achieve their purpose, which is far different from that of Applicant's sports training devices, with a far less thickness. As demonstrated by the exhibit shown to the Examiner such devices do not come close to having the claimed thickness. There is also nothing in either of these references which would motivate one of ordinary skill in the art to use the claimed thickness

because neither the Maged device nor the Micchia et al. device is intended to direct an individual's field of vision up and toward the field of play and players thereon and to restrict an individual's field of vision of a sports object. In fact, if one places the Maged device and the Micchia et al. device in the locations specified in their respective patent documents, neither device affects a user's vision at all. This is because both devices are placed in locations outside a person's field of vision.

Claims 2 - 5, 7 - 9, 11 - 13, and 15 - 17 are allowable for the same reasons as their parent claims as well as on their own accord.

Claim 6 has been placed into independent form and has been limited to claiming the upper surface being intermittently grooved to permit momentary glances at the sports object. It is submitted that the Micchia et al. patent does not teach or suggest such a structure. With respect to the Examiner's contention that the claimed structure is shown in FIG. 2 of Micchia et al., a review of this figure shows that Micchia et al. only teaches the use of a smooth upper surface. A review of column 2, lines 46 - 55 of Micchia et al. shows that this portion of the patent does not contain anything which would teach or suggest placing intermittent grooves in the upper surface to permit momentary glances at the sports object. All this section talks about is certain dimensions to be used in the claimed device and a certain kidney shape which reflects the general shape of a person's eye socket.

Claim 14 has been amended to be in independent form and has been limited to the member having a narrow stem at the base of which is the adhesive for allowing momentary glances downwardly at the sports object being controlled by the user. A review of

FIG. 2 in Micchia et al., as well as a review of column 2, lines 46 - 55 of the Micchia et al. specification, do not review anything which could be called the claimed stem structure. Certainly, there is nothing in FIG. 2 which has a different thickness or a different dimension which could be called a narrow stem. Thus, Micchia et al. does not anticipate the claimed invention.

The Morgan et al. patent relied upon by the Examiner do not cure the aforementioned deficiencies of the Maged and Micchia et al. patents. Thus, claims 5, 7, and 13 are allowable for the same reasons as their parent claims.

For the foregoing reasons, the instant application is believed to be in condition for allowance.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, she is hereby invited to contact Applicant's attorney at the telephone number listed below.

Entry of the present amendment is believed to be in order since there is nothing in the amendment which would require the Examiner to conduct a further search or require any further consideration. Still further, there is nothing in the amendment which raises any issue of new matter. Yet further, it reduces the issues for appeal.

A notice of appeal is enclosed herewith in the event that the Examiner maintains the rejections of record.


A check in the amount of \$450.00 is enclosed herewith to cover the cost of the extra independent claims. Should the

Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Paul R. Gagnon

By

  
Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicant

Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: docket@bachlap.com

Date: August 10, 2005

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 10, 2005.

